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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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3M INNOVATIVE PROPERTIES COMPANY			KOYAMA, KUMIKO C	
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			2876	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,432

Applicant(s)

BERQUIST ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 050504, 083004, 1014.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on August 27, 2004.

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claim 18 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 60 of copending Application No. 09/882,969. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1-24, 48-49 and 67-74 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 60 and 64-77 of copending Application No. 09/882,969 (herein after '969 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claimed invention is a broader recitation of the '969 application.

Re claim 1 of the present invention: Claim 1 of the present invention recites "A method of collecting information related to RFID tags associated with items of interest, comprising the steps of: (a) selecting a category of items using a user interface associated with an RFID reader; (b) using the RFID reader to interrogate at least one RFID tag associated with an item of interest; and (c) associating information related to the at least one item with the selected category."

Re claim 60 of '969 application: Claim 60 of the '969 invention recites "A method of interrogating RFID tags associated with items of interest, comprising the steps of: (a) selecting at least one category of items using a user interface associated with an RFID reader; (b) interrogating RFID tags associated with items, at least one of which is within the category of items; (c) categorizing information related to the at least one item(s) associated with the interrogated RFID tag(s) in at least one of the categories; and (d) ignoring any RFID-tagged-item that may not be categorized in at least one category."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 32-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-16 and 42 of copending Application No. 09/755,714 (herein after '714 application). Although the conflicting claims are

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not identical, they are not patentably distinct from each other because the present claimed invention is a broader recitation of the '714 application.

Re claim 32 of the present invention: Claim 32 of the present invention recites "A method of obtaining information related to items associated with RFID tags, comprising the steps of: (a) interrogating the RFID tags in an order; and (b) organizing the information in an order other than the order in which the tags were interrogated."

Re claim 37 of '714 application: Claim 37 of '714 application recites "A method of using an RFID reader for interrogating RFID tags associated with items of interest, by programming the RFID reader to provide specified information regarding each item of interest in a specified order on a user interface associated with the RFID reader, at least some of the information being selected from the group consisting of a name or title of the item, s serial or call number of the item, and a desired location for the item."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-17 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Markman (US 5,794,213).

Re claims 1-17: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+).

Garber fails to teach categorizing information related to the at least one item(s) associated with the interrogated RFID tag(s) obtained in step (b) in at least one of the categories selected in step (a).

Markman teaches a method and apparatus for reforming grouped items. The invention includes garments that are associated in a group and are separated from other members of the group and mixed with other articles and groups during processing then are regrouped in their original units (col 5, lines 24-30). The group identification of each article is read by scanning a barcoded group code and article count and the location of the group is located, which is considered as categorizing (col 5, lines 33-45).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Markman to the teachings of Garber in order to relocate where the item belongs so that the item can be placed at its designated spot, which not only places the item in it designated category, but also confirms that the item is not misplaced or missing.

Re claim 48 and 49: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain

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item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches inputting an algorithm to the device that describes an ordered set of items, scanning a plurality of items having RFID elements to obtain information from those elements, which serves as interrogating the RFID tags in an order, and comparing a description of the items obtained using the information obtained from the RFID elements to the algorithm to determine whether the scanned items or in the algorithm order, which serves as organizing the information in an order other than the order in which the tags were interrogated (col 19, lines 19-27). Garber also teaches providing an indication to a user of any item that is not in the algorithm order (col 19, lines 27-30).

Although Garber teaches a method of collecting data and fairly suggests organizing data, Garber was not clear on the method of organizing collected data.

Markman teaches a method and apparatus for reforming grouped items. The invention includes garments that are associated in a group and are separated from other members of the group and mixed with other articles and groups during processing then are regrouped in their original units (col 5, lines 24-30). The group identification of each article is read by scanning a barcoded group code and article count and the location of the group is located, which is considered as categorizing (col 5, lines 33-45).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Markman to the teachings of Garber in order to relocate where the item belongs so that the item can be placed at its designated spot, which not

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only places the item in its designated category, but also confirms that the item is not misplaced or missing.

8. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Markman (US 5,794,213) and Harrison et al (US 6,176,425).

Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present among the group of items (col 18, lines 55+).

Garber fails to teach categorizing information related to the at least one item(s) associated with the interrogated RFID tag(s) obtained in step (b) in at least one of the categories selected in step (a).

Markman teaches a method and apparatus for reforming grouped items. The invention includes garments that are associated in a group and are separated from other members of the group and mixed with other articles and groups during processing then are regrouped in their original units (col 5, lines 24-30). The group identification of each article is read by scanning a barcoded group code and article count and the location of the group is located, which is considered as categorizing (col 5, lines 33-45).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Markman to the teachings of Garber in order to relocate where the item belongs so that the item can be placed at its designated spot, which not

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only places the item in its designated category, but also confirms that the item is not misplaced or missing.

Garber as modified by Markman fail to teach ignoring any RFID-tagged item that may not be categorized in at least one category.

Harrison teaches that if a tag identification number is detected which is not associated with any semantics, the program can ignore the tag (col 13, lines 40-48).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Harrison to the teachings of Garber as modified by Markman so that other unrelated tags are not associated with the certain category, and avoid any confusion to the user as well as to the program used in the interrogating equipment to properly perform the function.

9. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al (US 6,232,870) in view of DeBrouse (US 5,920,053).

Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present among the group of items (col 18, lines 55+). Garber teaches using the information input to update a database that includes information to an item (col 20, lines 11-12), scanning the RFID element associated with the item and determining whether the certain item belongs with the group of items (col 19, lines 45-51).

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Garber does not specifically teach a tag that does not match.

DeBrouse teaches a means of scanning and matching identification bar code tags and means for indicating the presence or absence of a match for each record (col 6, lines 67+ and col 7, lines 4-5).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of DeBrouse to the teachings of Garber in order to provide an indication that the interrogated tag is not in the database, such that the database can further be updated with such information for tracking purposes. Such modification provides a clear indication and faster updated information to the user about whereabouts of the item.

10. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Carter (US 3,593,291).

Re claim 38: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches using the information input to update a database that includes information to an item (col 20, lines 11-12), scanning the RFID element associated with the item and determining whether the certain item belongs with the group of items (col 19, lines 45-51).

Garber fails to teach that the presence or absence of the items is determined simultaneously.

Carter teaches an identification system including scanning and simultaneously collate for corresponding codes for determining presence and absence of related characters (col 8, lines 25-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Carter to the teachings of Garber in order to simultaneously process multiple functions at the same time to reduce the processing time and provide the user with faster response.

Re claim 39: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches scanning a plurality of items having RFID elements to obtain information from those elements, and comparing a description of the items obtained using the information obtained from the RFID elements to the algorithm to determine whether the scanned items are in the algorithm order (col 19, lines 20-27). Garber also teaches that comparing information is compared with information describing missing items, which determines the presence or absence of the items in a storage area (col 19, lines 1-5).

Garber fails to teach that the presence or absence of the items is determined simultaneously.

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Carter teaches an identification system including scanning and simultaneously collate for corresponding codes for determining presence and absence of related characters (col 8, lines 25-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Carter to the teachings of Garber in order to simultaneously process multiple functions at the same time to reduce the processing time and provide the user with faster response.

Re claim 40 and 41: Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present amount the group of items (col 18, lines 55+). Garber teaches interrogating RFID tags, each associated with an item to determine information related to the items for a first purpose of searching for certain items on a predetermine search list and using the information for a second purpose of determining the presence or absence of the items in the storage area (col 18, lines 55+ and col 19, line 1-5).

Garber fails to teach that the presence or absence of the items is determined simultaneously.

Carter teaches an identification system including scanning and simultaneously collate for corresponding codes for determining presence and absence of related characters (col 8, lines 25-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Carter to the teachings of Garber in order to simultaneously process multiple functions at the same time to reduce the processing time and provide the user with faster response.

11. Claims 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Lin et al (US 6,819,222).

Garber teaches a method of using a portable RFID device with a group of items each having an RFID tag, inputting information to the device describing a certain item or class of items, scanning the RFID tags associated with each item in the group of items, receiving signals from each of the scanned RFID tags, and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present among the group of items (col 18, lines 55+). Garber teaches using an RFID device for scanning the RFID tags associated with each item and comparing the received signals to the information input to the device to determine whether the certain item or class of items are present among the group of items, which serves as a inventory list (col 18, lines 55+ and col 19, lines 42+). Garber also teaches providing an indication of the determination made whether the certain item belongs with the group of items to the user in real time (col 19, lines 50+).

Garber does not specifically teach correcting the inventory list.

Lin discloses a master list of all objects in inventory is created and as objects are added to and removed from inventory, the master list is updated by a system operator (col 6, lines 30-40).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Lin to the teachings of Garber in order to

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quickly determine the whereabouts of the item by frequent correction and updating of the inventory list, such that the user can easily determine whether the item is accessible or not.

Response to Arguments

12. Applicant's arguments filed August 27, 2004 have been fully considered but they are not persuasive.

Claims 25, 38-42, 45 and 48 have been amended with new limitation, such as "RFID reader interrogates an RFID tag associated with an item that does not match an entry on the datase," "simultaneously," "to correct the inventory list," and "organizing collected." Such new limitation further limit the claims, and subsequently necessitated new search and consideration. Therefore, arguments with respect to these claims are now moot in view of new grounds of rejection.

In Applicant's arguments with respect to claims 1, 8 and 18, Applicant submitted that Examiner has not made out a prima facie case of obviousness because there is no basis for combining Garber and Markman. However, Examiner respectfully disagree. Examiner believes that Garber and Markman are very similar in their ideas and believes there is basis for combination because of the similarities that the two prior art have. Both Garber and Markman utilizes a tag and scanner system to facilitate and increase the processing speed of determining the information contained in the tag. Garber utilizes an RFID tag associated with an item within a library type environment. Such RFID tag is scanned by a handheld RFID reader device to receive and compare signals. On the other hand, Markman utilizes a barcode tag associated with an item within a garment cleaner environment. However, similar to Garber, Markman also

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utilizes a scanner to scan the tag to receive and compare signals. Although Garber and Markman are utilized in different environments, the basic concept of utilizing a machine readable tag to quickly receive and compare signals through a handheld tag reader is the same. For one in ordinary skill in the art, such similarity links Garber and Markman together for combination, and as a result, the combination all together reads on the Applicant's claimed invention.

In response to Applicant's arguments regarding "the Examiner has not made out a prima facie case of obviousness...because there is no reasoned statement that explains why it would have been obvious to one of ordinary skill in the art to have modified the system..." for claims 1, 8 and 18, Examiner respectfully disagrees. Examiner has indicated in the previous office action that the reason for modifying or combining Garber and Markman was that the modification would be able to relocate where the items belongs and also confirms whether or not the item is misplaced or missing. Although Garber teaches groups and classes of items, Garber is not very clear on teachings of sorting items to a category. Markman supports Garber's unclear teaching and teaches that items are oftenly misplaced and there is a necessity to relocate the location where the items belong. Otherwise, the items will be lost. Therefore, Garber is modified by Markman to avoid items being lost. Additionally, Garber as modified by Markman avoids items to be lost and as a result, also supports items to be quickly and easily be located and accessed.

Applicant appears to disagree with Examiner's use of Markman as a support for teachings a method for categorizing as stated in Applicant's arguments Page 21, lines 16+; Page 23, lines 18+; and Page 26, lines 7+. Applicant submits the differences between Examiner's interpretation of categorizing and Applicant's intended use of the word categorizing. Examiner agrees that Markman teaches that the garments to be cleaned are first categorized into a group as

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submitted in Applicant's arguments, and the Examiner considers such teaching as also teaching selecting a category. Applicant also submits "after the cleaning process, the garments are regrouped into their original group. Thus, the garment's category does not change. It does not matter that the garment are temporarily stored in a location while the group is being regrouped." However, Examiner believes that Markman teaches the garments are not physically located within its category, and hence Markman scans the tags to regroup them such that the garments are physically categorized within its assigned category. And such teaching teaches that the item of interest is not currently associated with the category selected and thereafter associating information related to at least one item obtained with the category selected. Although Applicant appears to disagree with Examiner's interpretation of category or categorizing and the use of Markman with respect to the category/categorizing limitation, Examiner would also like to note that the claim does not recite what is considered as a category and does not differentiate from Markman. Therefore, Examiner believes that with broadest reasonable interpretation, Garber in view of Markman still read on the claimed invention.

With respect to claim 18, Applicant submits that Examiner did not respond to Applicant's arguments relative to Harrison. However, Examiner did not respond to Applicant's arguments with respect to Harrison because claim 18 was provided with new grounds of rejection and the rejection for claim 18 was based on different references. Therefore, arguments with respect to claim 18 was moot in view of new grounds of rejection.

In response to arguments with respect to Harrison for claim 18, Examiner notes that the rejection was based on the combination of Garber, Markman and Harrison, not solely on Harrison. For claim 18, Harrison was relied upon because Garber nor Markman did not

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specifically disclose a method of ignoring and Harrison had this specific method. Not only did Harrison disclosed this particular limitation, but also taught a tag identification number and how the tag was ignored when the tag was detected and did not associate with anything. As described above, Examiner believes that Garber and Markman teaches all the limitation except for the ignoring method. However, this ignoring method was determined to be obvious in view of Harrison due to the above mentioned disclosure. Examiner submits that it is not necessary that the references actually suggest, expressly or in so many words, changes or possible improvements in order to combine references together and that the references are shown to indicate that the given invention or recited claims are presented in the prior art. In re Scheckler, 58 CCPA 936, 438 F. 2d 999, 168 USPQ 716 (1971). Although it is not necessary that the references actually suggest the changes or improvement, the examiner understands that there must be some reason why one skilled in the art would be motivated to make the proposed combination of references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make modification be expressly articulated and the combination of references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). In this particular case, all of the prior art, Garber, Markman and Harrison teaches the use of tags and therefore, due to such commonality it would have been obvious to one in ordinary skill in the art to combine these three prior art.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kumiko C. Koyama
January 10, 2005


DIANE I. LEE
PRIMARY EXAMINER